

ORIGINAL

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA 2006 AUG 23 PM 4:31

AUGUSTA DIVISION

CLERK L. J. Hudson
SO. DIST. OF GA.

EVERETT HUNTER,

Plaintiff,

vs.

CV 106-075

SOUTHEASTERN NEWSPAPERS CO.,

DENNIS G. SODOMKA, WILLIAM S.

MORRIS, III, and SHIVERS TRADING &

OPERATING CO.,

Defendants.

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION


Plaintiff Everett Hunter, an inmate at Wheeler Correctional Facility in Alamo, Georgia, commenced the above-captioned civil rights case *pro se* and requested permission to proceed *in forma pauperis* ("IFP"). On June 6, 2006, the Court directed Plaintiff to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty (30) days and advised Plaintiff that all prisoners, even those proceeding IFP, must pay the filing fee of \$350.00 in full. 28 U.S.C. § 1915(b)(1). Plaintiff was cautioned that failure to respond would be an election to have this case voluntarily dismissed without prejudice. (Doc. no. 3). Plaintiff failed to respond.

On August 4, 2006, the Court granted Plaintiff ten (10) additional days to comply with the terms of the Court's June 6th Order. (Doc. no. 4). Once again, Plaintiff was warned that his failure to comply in a timely fashion with the Court's Order would result in a

recommendation that his case be dismissed. The time to respond has passed, and Plaintiff has not submitted the documents required by the Court's June 6, 2006 Order, nor has he provided the Court with any explanation why he has not complied.

Plaintiff cannot proceed IFP unless he submits the requisite Trust Fund Account Statement and consents to the collection of the entire \$350.00 filing fee in installments. Wilson v. Sargent, 313 F.3d 1315, 1319, 1321 (11th Cir. 2002) (*per curiam*) (citing 28 U.S.C. § 1915). Plaintiff has been warned repeatedly that failing to return the necessary IFP papers would be an election to have his case voluntarily dismissed. As Plaintiff has neither fulfilled the requirements for proceeding IFP, nor paid the filing fee, the Court **REPORTS** and **RECOMMENDS** that this case be **DISMISSED**, without prejudice.

SO REPORTED and RECOMMENDED this 23rd day of August, 2006, at Augusta, Georgia.



W. LEON BARFIELD
UNITED STATES MAGISTRATE JUDGE

United States District Court
Southern District of Georgia

EVERETT HUNTER

vs

SOUTHEASTERN NEWSPAPERS,

CASE NUMBER CV106-075

DIVISION

AUGUSTA

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated 8/23/06, which is part of the official record of this case.

Date of Mailing: 8/24/06

Date of Certificate



same date,

or

Scott L. Poff, Clerk

By:

L. Poff

Deputy Clerk

Name and Address

Everett Hunter, GDCID 928612, Wheeler Correctional Facility, P. O. Box 466, Alamo, Ga. 30411



Copy placed in ^{tickler} Minutes



Copy given to Judge



Copy given to Magistrate